

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5690-2022
Date of Decision:-14.07.2022

SHESHANT

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.2 dated 8.1.2022 registered under Sections 21 & 29 of NDPS Act at Police Station Jhunir District Mansa.

As per the allegations appearing on the record, 10 grams of heroin was recovered from possession of co-accused Amrik by the police on 8.1.2022 and thereafter the petitioner was nominated as an accused on the basis of alleged disclosure made by said Amrik to the effect that the aforesaid contraband was supplied to him by the petitioner.

Admittedly the petitioner has joined investigation with the police in the light of the previous order dated 11.3.2022 passed by this Court. The State counsel on instructions from HC Jaspreet Singh further submits that the petitioner is not required by the police for any further investigation and that police has already presented challan against the petitioner and co-accused Amrik, on the conclusion of investigation.

Undoubtedly the rigors of Section 37(1)(b) of NDPS Act are not applicable to the case in hand as only recovery of 10 grams of Heroin was effected in this case, which falls under non-commercial quantity of contraband as per the provisions of NDPS Act.

The petitioner is not required by police for further custodial interrogation. In view of the above and without commenting on the merits of the case, present petition is allowed and order dated 11.3.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

14.07.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No